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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,
8 Plaintiff,

9 v.

10 RIBEIRO TRELHA GUSTAVO,
11 Defendant.

CASE NO. CR17-190RSL

ORDER REGARDING
12 SENTENCING PROCEDURE

13 THIS MATTER comes before the Court on Defendant's conviction, and the Court having
14 set **Friday, December 8, 2017 at 9:30 a.m.** for sentencing, it is hereby **ORDERED:**

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16 1. A presentence report is to be prepared by the U.S. Probation Department.

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18 2. Not less than thirty-five (35) days before the sentencing hearing, the United States
19 probation officer shall furnish the presentence report to the defendant, the defendant's counsel and
20 the attorney for the government. Not less than twenty-one (21) days before the sentencing hearing,
21 the parties shall communicate in writing to the probation officer, and to each other, any objections
22 to any material information, sentencing classifications, sentencing guideline ranges, and policy
23 statements contained in or omitted from the presentence report. After receiving objections, the
24 probation officer may require the defendant, the defendant's counsel, and the attorney for the
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1 Government to meet with the probation officer to discuss unresolved factual and legal issues. The
2 probation officer may also conduct a further investigation and revise the presentence report as
3 appropriate.
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5 Not less than fourteen (14) days before the sentencing hearing, the probation officer shall
6 submit the presentence report, as revised, together with any addendum, setting forth any unresolved
7 objections, the grounds for those objections, and the probation officer's comments on the objections
8 and the sentencing recommendations, to the defendant, the defendant's counsel and the attorney for
9 the Government.
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12 Not less than seven (7) days before the sentencing hearing, the probation officer shall submit
13 the presentence report to the Court.
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16 **3. COUNSEL SHALL INFORM THE PROBATION OFFICER AND THE**
17 **COURTROOM DEPUTY, KERRY SIMONDS AT (206)370-8519 WHETHER OR NOT AN**
18 **EVIDENTIARY HEARING WILL BE NECESSARY AT THE SENTENCING AND, IF SO,**
19 **WHETHER WITNESSES WILL BE CALLED, WHO THEY WILL BE, AND AN ESTIMATED**
20 **LENGTH OF THE HEARING.**

21 4. If the Government intends to file a § 5K1.1 motion for substantial assistance, the motion
22 must be served on all counsel and filed under seal fourteen (14) days prior to sentencing.

23 Any motion under § 5K1.1 must also be provided to the probation officer who has prepared the
24 presentence report. If the Government files a § 5K1.1 motion requesting that the Court depart from
25 the Guidelines, the defendant may file, in response, his or her version of the defendant's cooperation.
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1 Any such response by the defendant must be filed at least seven (7) court days prior to sentencing
2 and may be included in the defendant's sentencing memorandum.
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4 5. In the event the defendant wishes to provide a written statement accepting responsibility,
5 the statement should be signed by the defendant. The original should be provided to the United
6 States Probation Office with a copy to the United States Attorney at least twenty-one (21) days
7 prior to sentencing.
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10 6. Counsel for the United States or for a defendant shall serve copies of any sentencing
11 memorandum or related documents upon all other parties and upon the United States Probation
12 Office at least seven (7) court days prior to sentencing.
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14 DATED this 8th day of September, 2017.
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19 Robert S. Lasnik
20 United States District Judge
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